HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17792 of 2006

Dated:11.09.2006

Between:

Kovalamudi Satyanarayana Babu.

…Petitioner

and

The Director of Mines and Geology and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17792 of 2006

ORDER:

The petitioner submitted an application on 20.11.2004 to the third respondent for grant of quarry lease for Road Metal over an extent of Acs.20.00 in Survey No.1080/P of Vadlapudi Village of Manubolu Mandal in Nellore District. The same was forwarded by him to the fourth respondent seeking information regarding the availability of the land and No Objection Certificate (NOC) for grant of lease. The fourth respondent, however, did not issue NOC, but the second respondent by proceedings No.4188/Q/AD(NRL)/2004, dated 27.04.2006, rejected the application of the petitioner under Rule 13(1) of the Andhra Pradesh Minor Mineral Concession Rules, 1966. Therefore, the petitioner filed the instant Writ Petition seeking a writ of mandamus declaring the action of the fourth respondent in not issuing NOC, and the consequential order, dated 27.04.2006, of the second respondent as illegal, unjust and unconstitutional.

During the course of submissions at the stage of preliminary hearing, the learned Counsel for the petitioner fairly submits that against the proceedings of the second respondent, the petitioner filed an appeal before the first respondent, which has already been disposed of. Therefore, this Writ Petition insofar as seeking invalidation of the proceedings of the second respondent is concerned, is misconceived, as the same proceedings, being the subject matter of

a statutory appeal, cannot be the subject matter of a Writ Petition. Insofar as the relief against the fourth respondent is concerned, as observed by the second respondent in the impugned order, the Mandal Revenue Officer is not inclined to issue NOC in respect of the area in question. If that be so, nothing prevents the petitioner to agitate the matter before the District Collector and then the Government. Having regard to the observations made by the second respondent that the fourth respondent is not inclined to issue NOC, this Court cannot countenance the submission that the matter has been kept pending with the fourth respondent since November 2005.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

11.09.2006
vs